

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

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Caption in Compliance with D.N.J. LBR 9004-2(c)

LAW FIRM OF BRIAN W. HOFMEISTER, LLC

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Order Filed on July 12, 2017

by Clerk

U.S. Bankruptcy Court  
District of New Jersey

In Re:

SHARON SACKS

Case No.: 17-11766

Chapter 7

Judge: CMG

**ORDER APPROVING THE SALE OF THE ESTATE'S INTEREST IN CERTAIN REAL PROPERTY  
LOCATED AT 48 ELLEN STREET, NEW BRUNSWICK, NEW JERSEY, FREE AND CLEAR OF  
ALL LIENS, CLAIMS, INTERESTS AND ENCUMBRANCES PURSUANT TO 11 U.S.C. §§ 105(a),  
323(a), AND 363(b), (f), (h) and (m) and 541(a); WAIVING THE FOURTEEN (14) DAY STAY  
PROVIDED BY FED. R. BANKR. P. 6004; AND GRANTING RELATED RELIEF**

The relief set forth on the following pages, numbered two (2) through three (3) is  
hereby **ORDERED**.

**DATED: July 12, 2017**

A handwritten signature in black ink, reading "Christine M. Gravelle".

Honorable Christine M. Gravelle  
United States Bankruptcy Judge

Debtor: Sharon Sacks

Case No: 17-11766 (CMG)

Caption of Order: Order Approving the Sale of the Estate's Interest in Certain Real Property Located at 48 Ellen Street, New Brunswick, New Jersey, Free and Clear of All Liens, Claims, Interests and Encumbrances Pursuant to 11 U.S.C. §§ 105(a), 323(a), and 363(b), (f), (h) and (m) and 541(a); Waiving the Fourteen (14) Day Stay Provided by Fed. R. Bankr. P. 6004; and Granting Related Relief

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Upon the Motion<sup>1</sup> of Barry W. Frost, Chapter 7 Trustee (the "Trustee") for the estate of Sharon Sacks, the Chapter 7 Debtor (the "Debtor"), by and through his counsel, Law Firm of Brian W. Hofmeister, LLC, and the Application filed in support of the Motion, seeking entry of an Order Approving the Sale of the Estate's Interest in Certain Real Property located at 48 Ellen Street, New Brunswick, New Jersey, Free and Clear of All Liens, Claims, Interests and Encumbrances Pursuant to 11 U.S.C. §§ 105(a), 323(a), and 363(b), (f), (h) and (m) and 541(a); Waiving the Fourteen (14) Day Stay Provided by Fed. R. Bankr. P. 6004; and Granting Related Relief for authorization to sell the real property commonly known as 48 Ellen Street, New Brunswick, New Jersey (the "Property"); and the Court finding that: (i) it has jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and (ii) this is a core proceeding pursuant to 28 U.S.C. §157(b)(2); (iii) the relief requested in the Motion is in the best interest of the Debtor's estate and its creditors; (iv) adequate notice of the Motion and the hearing thereon has been given and that no other or further notice is necessary; and (v) upon the record herein, after due deliberation thereon, good and sufficient cause exists for the granting of the relief as set forth herein;

**IT IS** hereby **ORDERED** as follows:

1. The Trustee's Motion be and is hereby granted in its entirety.
2. The agreement of sale (the "Agreement of Sale"), attached to the Application as Exhibit "A", be and is hereby approved in its entirety.
3. The Trustee be and is hereby authorized to sell the estate's interest in the Property to the Buyers, for the aggregated sum of \$245,000.00 for the entire Property, free and clear of all liens, claims, interests and encumbrances pursuant to Section 464(b), (f), (h) and (m) of the Bankruptcy Code (the "Sale").
4. The City of New Brunswick Tax Collector shall receive at the time of closing on the Sale of the Property the payment of any and all outstanding real estate taxes.
5. The real estate brokers' commission shall be paid at the time of closing on the Sale.

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<sup>1</sup>Unless otherwise defined herein, all capitalized terms shall have the meaning ascribed to them in the Application.

Debtor: Sharon Sacks

Case No: 17-11766 (CMG)

Caption of Order: Order Approving the Sale of the Estate's Interest in Certain Real Property Located at 48 Ellen Street, New Brunswick, New Jersey, Free and Clear of All Liens, Claims, Interests and Encumbrances Pursuant to 11 U.S.C. §§ 105(a), 323(a), and 363(b), (f), (h) and (m) and 541(a); Waiving the Fourteen (14) Day Stay Provided by Fed. R. Bankr. P. 6004; and Granting Related Relief

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6. The Trustee's Sale of the estate's interest in the Property is "AS IS" and "WHERE IS" without any representation(s) of any kind as to the condition or title.

7. The Sale as set forth above shall be defined as the "Transaction" herein.

8. The stay provisions under Bankruptcy Rule 6004(g) be and is hereby waived and, therefore, not applicable to this Sale.

9. The Trustee is authorized to execute any and all documents necessary to effectuate the Transaction set forth herein, including, without limitation, a Trustee's Deed to convey the estate's interest in the Property.

10. The Buyers are deemed to be good faith purchasers pursuant to 11 U.S.C. §363(m).

11. The Transaction was negotiated, proposed and entered into by the parties without collusion, in good faith and at arm's length bargaining position.

12. The Sale of the estate's interest in the Property is in the best interest of the creditors and the estate.

13. The closing shall take place in accordance with the terms of the Agreement of Sale.

14. At the closing of the Sale, the Trustee shall make payment of all necessary closing costs and the realtors' commissions, the out of pocket costs advanced by Sheila Boro, taxes and fees allocable and in connection with the Sale from the gross sale proceeds.

15. At closing of the Sale, all valid liens, claims or encumbrances against the Estate's interest in the Property shall attach to the proceeds of the Sale.

16. The Debtor and Non-Debtor Co-Owner, Ellen Street Associates, LLC, are directed to cooperate with the Trustee and to execute any and all documents necessary to effectuate the Sale to the Buyers.

17. The sale of the Property is pursuant to an Order of the United States Bankruptcy Court.

18. The Non-Debtor Co-Owner of the Property, Ellen Street Associates, LLC, hereby consents to the Sale Transaction pursuant to 11 U.S.C. §363(f) and (h).

**Certificate of Notice Page 4 of 4**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Sharon Sacks  
Debtor

Case No. 17-11766-CMG  
Chapter 7

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Jul 12, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 14, 2017.

db +Sharon Sacks, 14 Hamilton Drive, East Brunswick, NJ 08816-2709

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 14, 2017

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 12, 2017 at the address(es) listed below:

Andrew M. Lubin on behalf of Creditor Bank of America, N.A. bkecf@milsteadlaw.com,  
alubin@milsteadlaw.com

Barry Frost trustee@teichgroh.com, NJ94@ecfcbis.com

Brian W. Hofmeister on behalf of Trustee Barry Frost bwh@hofmeisterfirm.com

Denise E. Carlon on behalf of Creditor U.S. Bank National Association, as Trustee for Banc of America Funding 2009-FT1 Trust, Mortgage Pass-Through Certificates, Series 2009-FT1  
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Robert C. Nisenson on behalf of Debtor Sharon Sacks rnisenson@aol.com,  
nisensonlaw@aol.com;G2729@notify.cincompass.com;nisensonlaw@gmail.com

U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

William M.E. Powers, III on behalf of Creditor Bank of America, N.A. ecf@powerskirn.com  
TOTAL: 7